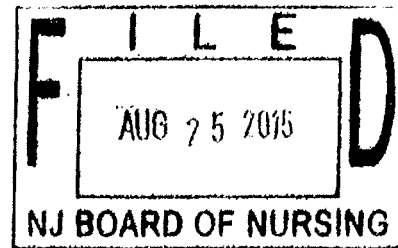
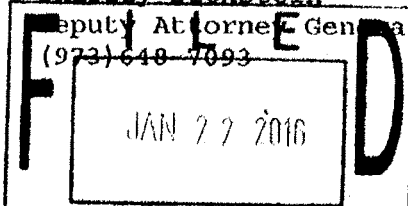


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STATE OF NEW JERSEY
DEPARTMENT OF LAW & PUBLIC SAFETY
DIVISION OF CONSUMER AFFAIRS
STATE BOARD OF NURSING

IN THE MATTER OF THE SUSPENSION
OR REVOCATION OF THE LICENSE OF

Jacquelyn A. Smith, C.H.H.A.
Certificate No. 26NH14208800

HOMEMAKER HOME HEALTH AIDE
IN THE STATE OF NEW JERSEY

ADMINISTRATIVE ACTION

PROVISIONAL ORDER OF
DISCIPLINE

☒ FINAL ORDER OF DISCIPLINE
(Finalized by default
on January 22, 2016 / 01/22/16)

FINAL

This matter was opened to the New Jersey State Board of Nursing (the "Board") upon receipt of information which the Board has reviewed and upon which the following preliminary findings of fact and conclusions of law are made:

FINDINGS OF FACT

1. Jacquelyn A. Smith ("Respondent") is a certified homemaker-home health aide in the State of New Jersey and has been a licensee at all times relevant hereto. (Exhibit A).

2. Upon receipt of a flagging notice indicating that Respondent was arrested on November 16, 2014 by the Brooklawn Police for violation of N.J.S.A. 2C:24-4A, Endanger Welfare of Child, the Board sent a letter of inquiry, requesting certain information and submission of documents, to the mailing address provided to the Board by Respondent. (Exhibit B).

3. On December 12, 2014, the Board received a response from Respondent in which Respondent supplied the information requested, and admitted that she left her two year old son in a locked car in a parking lot while she went shopping. (Exhibit C).

4. The Board received a flagging notice that Respondent was arrested on April 6, 2015 by the Brooklawn Police for violation of N.J.S.A. 2C:21-5C(3), Bad Checks-\$200.00 to \$1,000.00, N.J.S.A. 2C:21-1A(3), Forged Writing, N.J.S.A. 2C:5-1A(1) Criminal Attempt, and N.J.S.A. 2C:20-4A Theft By Deception. Allegedly, Respondent forged a check for \$450.00 and attempted to cash it at a bank. The bank teller noted that the signature did not match the one on file and called police. (Exhibit D).

Respondent admitted to the police that she forged the check and attempted to cash it without the victim's knowledge. (DVD recording of police interview to be supplied upon request).

The Board sent a letter of inquiry regarding the arrest, requesting certain information and submission of documents, to the mailing address provided by Respondent to the Board, via regular and certified mail on or about May 28, 2015. A response was due within twenty (20) days. According to USPS tracking, the certified mailing was returned "unclaimed". The regular mailing was not returned. (Exhibit E).

5. To date, Respondent has not responded to the Board's request for information.

6. On April 29, 2015, Respondent was arrested by Voorhees Township Police for two (2) counts of Theft of Moveable Property, in violation of N.J.S.A. 2C:20-3A, two (2) counts of Burglary By Entering Structure, in violation of N.J.S.A. 2C:18-2A(1) and two (2) counts of Forgery, in violation of N.J.S.A. 2C:21-1. (Exhibit F).

CONCLUSIONS OF LAW

Respondent's failure to respond to the Board's request for information constitutes a failure to cooperate with a Board investigation, in contravention of N.J.A.C. 13:45C-1.2 and 1.3, which the Board deems professional misconduct pursuant to N.J.S.A. 45:1-21(e), subjecting Respondent to disciplinary action pursuant to N.J.S.A. 45:1-21(h). In addition Respondent's admissions that she left her two year old child in a car alone,

and that she forged and attempted to cash a forged check demonstrate that Respondent engaged in acts constituting crimes or offenses relating adversely to the practice of homemaker-home health aide care in violation of N.J.S.A. 45:1-21(f), and dishonesty in violation of N.J.S.A. 45:1-21(b). These violations subject Respondent to disciplinary action pursuant to N.J.S.A. 45:1-21(h).

ACCORDINGLY, IT IS on this 25th day of August, 2015,

ORDERED that:

1. Upon the filing of a FINAL ORDER OF DISCIPLINE, Respondent's certificate to practice as a homemaker-home health aide shall be suspended and the Board will not entertain an application for reinstatement for a minimum period of five (5) years from the date of the filing of a FINAL ORDER OF DISCIPLINE.

2. Upon the filing of a FINAL ORDER OF DISCIPLINE, Respondent shall, within 5 (five) days, mail her certificate, wall and wallet version, to practice as a homemaker home health aide to Twalema Khonje, State Board of Nursing, P.O. Box 45010, Newark, New Jersey 07101.

3. Upon the filing of a FINAL ORDER OF DISCIPLINE, Respondent shall immediately cease and desist from holding herself out as a certified homemaker home health aide and/or

practicing as a homemaker home health aide, which includes, but is not limited to, performing delegated nursing regimens or nursing tasks delegated through the authority of a duly licensed professional nurse. Any practice in this State shall constitute grounds for a charge of unlicensed practice.

4. Upon the filing of a FINAL ORDER OF DISCIPLINE Respondent is assessed a civil penalty in the amount of one thousand dollars (\$1,000.00). Payment shall be made by certified check, bank cashier check, or money order payable to "State of New Jersey," or by wire transfer, direct deposit, or credit card payment delivered or mailed to Twalema Khonje, Executive Director, State Board of Nursing, P.O. Box 45010, Newark, New Jersey 07101. Any other form of payment will be rejected and will be returned to the party making the payment. Payment shall be made no later than fifteen (15) days after the date of filing of a FINAL ORDER OF DISCIPLINE. In the event Respondent fails to make a timely payment, a certificate of debt shall be filed in accordance with N.J.S.A. 45:1-24 and the Board may bring such other proceedings as authorized by law.

5. Upon any application for reinstatement, which shall be no sooner than five (5) years from the date of the filing of a FINAL ORDER OF DISCIPLINE, Respondent must provide all requested information regarding her April 6, 2015 arrest and addresses the

April 29, 2015 arrest with the Board to the Board's satisfaction.

6. The within order shall be subject to finalization by the Board at 5:00 p.m. on the 30th day following entry here of unless Respondent requests a modification or dismissal of the above stated Findings of Fact or Conclusions of by:

- a) Submitting a written request for modification or dismissal to Twalema Khonje, Board of Nursing, 124 Halsey Street, Sixth Floor, P.O. Box 45010, Newark, New Jersey 07101.
- b) Setting forth in writing any and all reasons why said findings and conclusions should be modified or dismissed.
- c) Submitting any and all documents or other written evidence supporting Respondent's request for consideration and reasons therefore or offered in mitigation of penalty.

7. Any submissions will be reviewed by the Board and the Board will thereafter determine whether further proceedings are necessary. If no material discrepancies are raised through a supplemental submission during the thirty-day period, or if the Board is not persuaded that the submitted materials merit further consideration, a FINAL ORDER OF DISCIPLINE will be entered.

8. In the event that Respondent's submissions establish a need for further proceedings, including, but not limited to an evidentiary hearing, Respondent shall be notified with regard

thereto. In the event that an evidentiary hearing is ordered, the preliminary findings of fact and conclusions of law contained herein may serve as notice of the factual and legal allegations in such proceeding. Further, in the event a hearing is held and upon review of the record, the Board shall not be limited to the findings, conclusions and sanctions stated herein.

9. In the event that the Board receives no written request for modification or dismissal within 30 days following entry of this Provisional Order, without further Board review, all referenced preliminary Findings of Fact and Conclusions of Law and all provisional sanctions or penalties imposed by this Order shall automatically become the Final Decision and Order of the Board. Thereafter, Respondent's failure to comply with any sanction or penalty imposed by this Order shall be considered a violation of a Board Order in contravention of N.J.S.A. 45:1-21 (e) and (h) and N.J.A.C. 13:45C-1.4 and may subject Respondent to additional sanction and/or penalty.

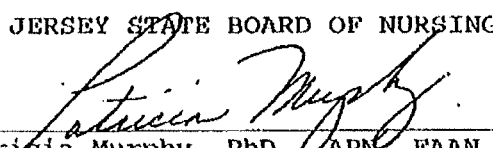
10. The Board reserves the right to initiate disciplinary proceedings based upon any information that Respondent ultimately provides and upon any new information the Board receives.

11. If Respondent's certification to practice as a homemaker-home health aide is reinstated, the Board, in its discretion, may impose any conditions or restrictions on licensure it deems necessary to protect the public health, safety and welfare.

12. Any violation of this order by Respondent shall constitute grounds for such proceedings as are permitted by law.

NEW JERSEY STATE BOARD OF NURSING

By:


Patricia Murphy, PhD., APN, FAAN
President